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United States Attorney

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | No. 3:22-cr-00040-JMK-MMS |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| VALERIY V. GORBOUNOV, |) | |
| |) | |
| Defendant. |) | |
| |) | |

UNITED STATES' SENTENCING MEMORANDUM

The United States of America, through the undersigned Assistant United States Attorney, hereby submits this Sentencing Memorandum for the sentencing hearing scheduled for April 4, 2023, in the above-captioned case. The parties, at Docket 22, waived a presentence report as under the facts of this case the plea agreement and charging information encapsulate the offense conduct. The United States' sentencing

recommendations are set forth below.

SUMMARY OF SENTENCING RECOMMENDATIONS

GUIDELINE IMPRISONMENT RANGE 0 - 6 months¹
TERM OF IMPRISONMENT 0 months
GUIDELINE PROBATION RANGE 1 – 5 years
TERM OF PROBATION 2 years
SPECIAL ASSESSMENT \$25.00
DONATION \$4,000

The defendant has plead to Count 1 of the Information in this case, charging him with Wildlife Trafficking Conspiracy, in violation of the Lacey Act, with penalty provisions under 16 U.S.C. § 3373(d)(2), a Class A Misdemeanor. The government will move to dismiss Counts 2 – 4 of the Information at the time of sentencing.

A Presentence Investigation Report (PSR) was not prepared in this case, however, the parties' agreement tracks other plea agreements made in other similar cases filed in this court, and which track the recommendations of PSR's were filed in other specific cases. The guideline range after acceptance based on a criminal history category of I, is 0 to 6 months of imprisonment or 1 to 5 years of probation and falls in Zone A of the Guidelines. A term of imprisonment is not recommended by the parties or the PSR. The parties recommendation for a charitable contribution of \$4,000 to a Philippines based NGO is within the guideline range for a fine.

The United States United States joins the defendant in urging the court to impose

¹ See *United States v. Nathan Carl Meisner*, 3:22-cr-00003-SLG-KFR, (docket 17), *United States v. William Ockey*, 3:22-CR-00030-001-SLG, both with probationary sentences.

sentence in conformity with the plea agreement. The United States notes that since the defendant is no longer in the marine aquaria trade, the public service announcement is no longer necessary, and it requested that the court not impose that condition.

Based upon the sentencing factors in Title 18 U.S.C. § 3553(a), the government recommends a sentence of two years of probation along with a \$4,000 donation to the Marine Environment and Resources Foundation, Inc. (MERF), a Philippine based non-governmental organization, which focuses on the restoration and repair of coral reefs in the Philippines. As of this writing, MERF is using the funds from the 11 cases charged in this district to fund a researcher via a grant, for approximately one year.

In this case, the defendant paid G.A.B. several thousand dollars for illegally shipping approximately three boxes containing over 340 pieces of illegally harvested coral, using false labels/declarations, with the intent to resell them for significant markup. The transactions occurred over a four-month period and are detailed in the plea agreement and Information. No other purchases from G.A.B. were found by the investigation.

Given the foregoing, the government believes the parties recommended sentence as set forth in the plea agreement will best meet the ends of justice and comports with the 3553(a) sentencing factors. It therefore requests that the court impose sentence in conformity therewith.

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RESPECTFULLY SUBMITTED March 28, 2023, in Anchorage, Alaska.

S. LANE TUCKER
United States Attorney

s/ Steven E. Skrocki
STEVEN E. SKROCKI
Assistant U.S. Attorney
United States of America

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2023,
a true and correct copy of the foregoing
was served electronically on the following:

Steven Wells, Esq.

s/ Steven E. Skrocki
Office of the U.S. Attorney